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OFFICE OF PETITIONS

In re Application of: Michael A. Sanzone

Application No. 10/771,881

**NOTICE** 

Filed: February 4, 2004

Attorney Docket No. 1017001US1AP

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby ACCEPTED.

This file is being referred to Technology Center Art Unit 1734, to await a response to the Restriction Requirement mailed November 22, 2004.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith Petitions Examiner Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy